

school without the Father's express consent.

42. The Mother managed to circumvent that provision in a way not expected by the Father when he made the agreement. The Mother now speaks exclusive in French to the child, even in the presence of the father who does not speak French. When the child replies in English, the mother explodes in anger, and hangs up. The Mother has prohibited Eva from speaking Spanish, has not let her continue taking Spanish lessons in school. In fact, the mother refuses to take Eva to academic tutoring but has Eva with a French tutor and in drama classes. Eva can no longer speak Spanish and is rapidly losing her grasp on the language. There is no reason Eva should be denied the right to continue to learn Spanish, and it is obvious that the Mother has changed Eva's second language for the sole purpose of undercutting the bond once shared between Eva and her father.

43. Eva has expressed her desire to be allowed to speak with her Father without interference and to spend more time with her father. Eva has expressed her sense of sadness with her regular week-long total separations from the father, and her fear of becoming close to the father during the short times she is with him because they are followed by the week-long separation. Eva has explained to the father that she keeps herself emotionally distant to manage the sadness and loss she feels when she is separated from her father.

44. When Eva is picked up by her father, she is often withdrawn and sullen initially. It often takes a full day for her to warm up. While the father initially believed that Eva's reaction was due to her adjusting to her parent's divorce, it is becoming apparent to the Father that Eva's reactions are the result of her Mother's interference.

45. The Mother has engaged in other attempts to undermine Eva's relationship with her father. She has placed the maternal grandmother in the role of co-custodian who joins the Mother in portraying the Father as a person the mother needs to be protected from.

46. The mother has exercised her vacation time in excess of accordance with the custody agreement interfering with the Father's access, and has failed to provide me with an itinerary at all or at the

last minute or allow Eva to contact the Father when she is on vacation. The Mother has taken Eva overseas to Italy, Mexico, and St. Marteen without providing the ordered information or access. If something happened to Eva while on vacation, it would be very difficult if not impossible for the Father to help her due to the Mother's actions.

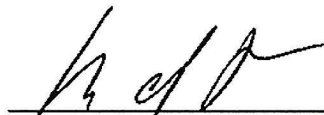
**Modification**

47. Because of this change of circumstances, judgment should be modified as follows: The father should be awarded sole legal and residential custody. In the alternative, the sole decision making should be split with the father being awarded final decision making over religious and educational matters, or such other and further custodial arrangement that is in the child's best interests including a return to the 50-50 shared residential custody.

48. No previous application has been made to any Court or judge for the relief requested in this Petition except for the original Custody modification petition which this petition replaces, and a family offense petition that was intended to be an enforcement petition which was withdrawn without prejudice.

WHEREFORE, Petitioner respectfully requests that the judgment Supreme Court dated , be modified as set forth above and for such other relief as the Court may deem just and proper.

Dated: New York, New York  
April 16 2014

  
\_\_\_\_\_  
Manuel P. Asensio  
Petitioner


\_\_\_\_\_  
J. Douglas Barics  
Attorney for Petitioner  
1399 Franklin Avenue  
Suite 202  
Garden City, NY 11530  
(516) 742-2600

VERIFICATION

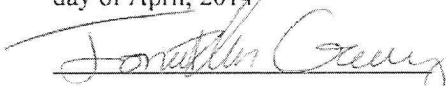
STATE OF NEW YORK       )  
                                      :       )  
COUNTY OF NEW YORK    )

ss:

Manuel P. Asensio, being duly sworn, says that he is the Petitioner in the above-named proceeding and that the foregoing petition is true to his own knowledge, except as to matters therein stated to be alleged on information and belief and as to those matters he believes it to be true.

  
\_\_\_\_\_  
Manuel P. Asensio  
Petitioner

Sworn to before me this 16<sup>th</sup>  
day of April, 2014

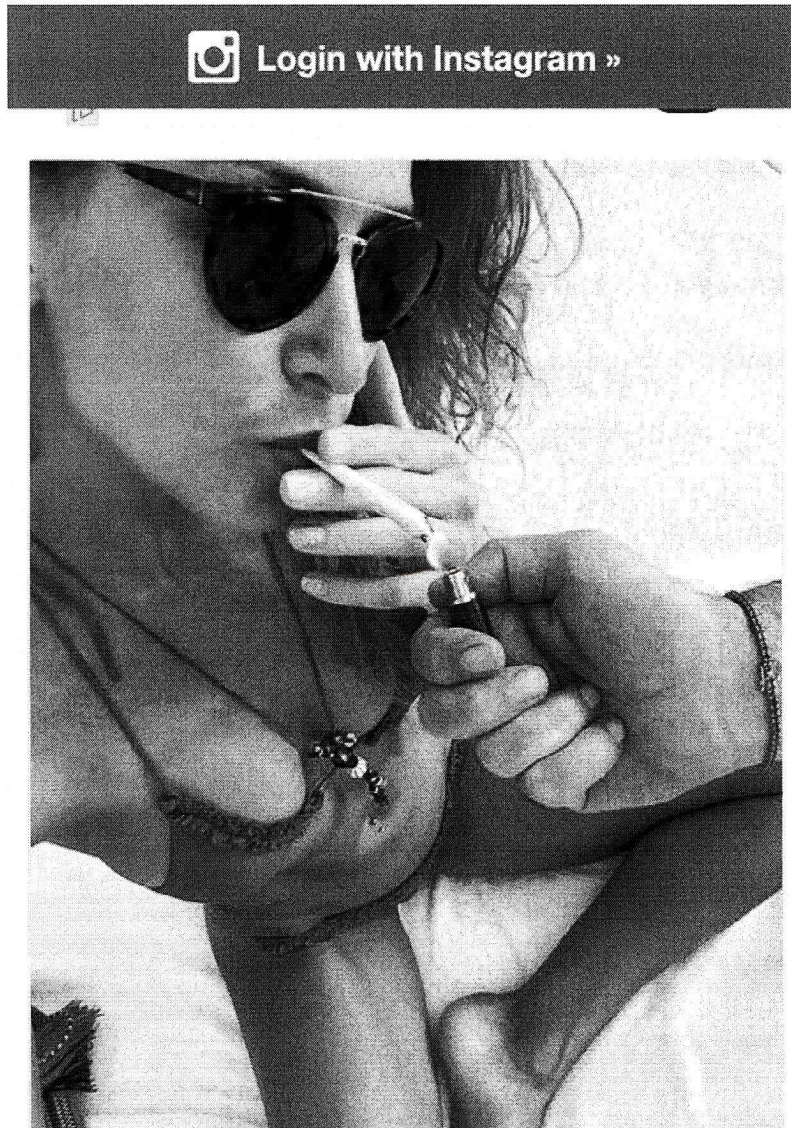
  
\_\_\_\_\_  
Notary Public

**JONATHAN A GOMEZ**  
**Notary Public - State of New York**  
**No. 01GO6295663**  
**Qualified in Bronx County**  
**My Commission Expires Jan. 06, 2018**

# **EXHIBIT 4**

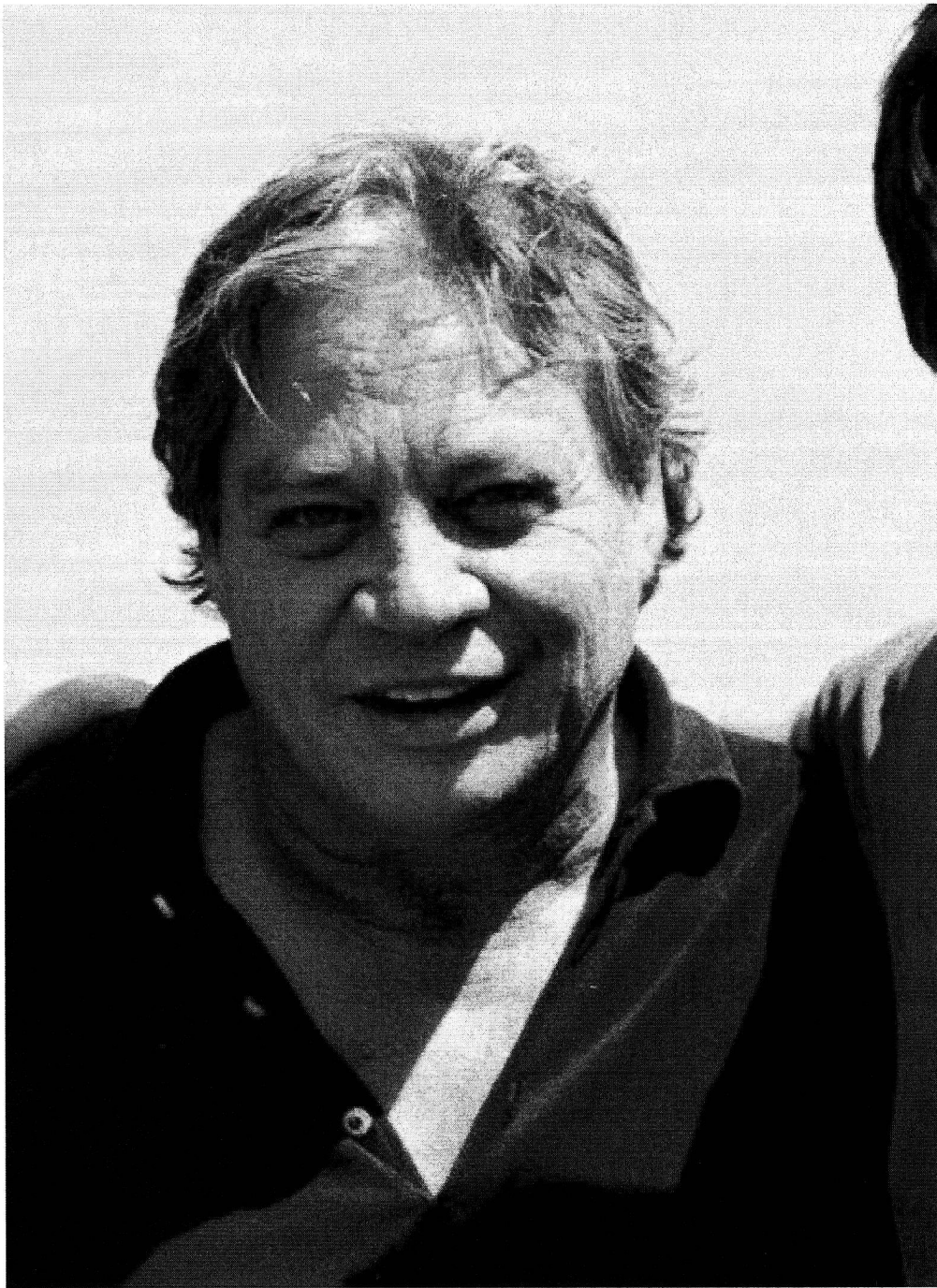


1. Plaintiff smoking what appears to be a marijuana cigarette lighted by an unseen male





2. Plaintiffs Partner, Stefano Chitis.





3. Plaintiff's own inappropriate content on the internet and the Plaintiff's blatant, brazen exhibitionism, demonstrated by her posting of lewd, lascivious and immoral photographs and videos on the internet.

